

DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My resident, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled METHODS AND COMPOSITIONS USEFUL IN PROPHYLAXIS AND THERAPY OF ENDOTOXIN RELATED CONDITIONS, the specification of which

is attached hereto.

was filed on \_\_\_\_\_ as Application Serial No. \_\_\_\_\_ and was amended on (1) \_\_\_\_\_, (2) \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, 1.56(a).

Foreign Priority Applications

I hereby claim foreign priority benefits under Title 35, United States Code 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Priority Claimed

(Number)	(Country)	(Day/Month/Year Filed)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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(Number)	(Country)	(Day/Month/Year Filed)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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U.S. Priority Applications

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

08/288,568 (Applic. Serial No.)	August 10, 1994 (Filing Date)	Pending (Status-patented/pending/abandoned)
PCT/US93/07453 (Applic. Serial No.)	August 9, 1993 (Filing Date)	Pending (Status-patented/pending/abandoned)

07/928,930      August 12, 1992      Patented  
 (Applic. Serial No.)    (Filing Date)    (Status-patented/pending/abandoned)

**Power of Attorney**

I hereby appoint the following attorneys to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: John E. Lynch, Reg. No. 20,940; Peter F. Felfe, Reg. No. 20,297; Alfred H. Hemingway, Jr., Reg. No. 26,736; Vincent M. Fazzari, Reg. No. 26,879; Hallie R. Levie, Reg. No. 31,116; Charles A. Blank, Reg. No. 17,419; Norman D. Hanson, Reg. No. 30,946; Walter G. Weissenberger, Reg. No. 17,344; F. Brice Faller, Reg. No. 29,532; Andrew L. Tiajoloff, Reg. No. 31,575; John P. Luther, Reg. No. 32,261 and John A. Bauer, Reg. No. 32,554, my attorneys with full power of substitution and revocation. Address all telephone calls to Norman D. Hanson, at (212) 688-9200. Address all correspondence to:

**FELFE & LYNCH**  
 805 Third Avenue  
 New York, New York 10022

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

<u>(1) Daniel M. Levine</u> Full Name/Sole or First Inventor	<u>Signature</u>	<u>Date</u>
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<u>(2) Thomas S. Parker</u> Full Name/Second Inventor	<u>Signature</u>	<u>Date</u>
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(3) Albert L. Rubin  
Full Name/Third Inventor Signature Date

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(4) Bruce R. Gordon  
Full Name/Fourth Inventor Signature Date

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(5) Stuart D. Saal  
Full Name/Fifth Inventor Signature Date

Residence: 345 East 57th Street  
New York, New York 10022 U.S.A.  
Citizenship

Post Office Address: 345 East 57 Street  
New York, New York 10022

Applicant/Patentee: Thomas S. Parker, et al.  
Serial/Patent No.: \_\_\_\_\_  
Filed/Issued: Concurrently herewith  
For: METHODS AND COMPOSITIONS USEFUL IN PROPHYLAXIS AND THERAPY OF ENDOTOXIN RELATED CONDITIONS  
Attorney's Docket No.: ROGO 211.3-NDH  
**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(d)) - NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION The Rogosin Institute

ADDRESS OF ORGANIZATION 505 East 70th Street  
New York, New York 10021

TYPE OF ORGANIZATION

- (X) UNIVERSITY OR OTHER INSTITUTE OF HIGHER EDUCATION  
(X) TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) and 501(c)(3))  
( ) NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA  
(NAME OF STATE \_\_\_\_\_)  
(CITATION OF STATUTE \_\_\_\_\_)  
( ) WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) and 501(c)(3)) IF LOCATED IN THE UNITED STATES OF AMERICA  
( ) WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA  
(NAME OF STATE \_\_\_\_\_)  
(CITATION OF STATE \_\_\_\_\_)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled METHODS AND COMPOSITIONS USEFUL IN PROPHYLAXIS AND THERAPY OF ENDOTOXIN RELATED CONDITIONS

by inventor(s) Thomas S. Parker, et al.

described in

- (X) the specification filed herewith  
( ) application Serial No. \_\_\_\_\_, filed \_\_\_\_\_  
( ) Patent No. \_\_\_\_\_, issued \_\_\_\_\_

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

Cont'd

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Verified Statement (Declaration) Claiming Small Entity Status  
37 CFR 1.9(f) and 1.27(d)) - Nonprofit Organization

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Applicant/Patentee: Thomas S. Parker, et al.

Serial/Patent No.: \_\_\_\_\_

Filed/Issued: Concurrently herewith

For: METHODS AND COMPOSITIONS USEFUL IN PROPHYLAXIS AND THERAPY OF ENDOTOXIN RELATED CONDITIONS

Attorney's Docket No.: ROGO 211.3-NDH

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

INDIVIDUAL     SMALL BUSINESS CONCERN     NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Albert L. Rubin

TITLE IN ORGANIZATION Director

ADDRESS OF PERSON SIGNING 220 Allison Court

Englewood, New Jersey 07631

SIGNATURE

DATE

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